

MONTANA LEGISLATIVE HISTORY

Chapter 549 19 79

Bill H _____ S 458 Original bill & history C

H. Committee on Business & Indus.,

Hearing Date(s) Mar 02 ✓ C

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Date Out Mar 02 ✓ C

S. Committee on State Admin.

Hearing Date(s) Feb 16 ✓ C

Feb 17 ✓ C

Feb 21 ✓ C

_____ C

Feb ²¹ ~~16~~ ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1 *Amend* BILL NO. *458*
 2 INTRODUCED BY *Neely Mahren*
 3 BY REQUEST OF THE BOARD OF PLUMBERS *Thomson*
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
 6 BOARD OF PLUMBERS; TO DEFINE 'DRAINAGE SYSTEM' AND 'PLUMBING
 7 SYSTEM'; TO ALLOW A MASTER PLUMBER TO WORK AS A JOURNEYMAN;
 8 TO ALLOW THE BOARD TO PRESCRIBE REASONABLE FEES; AMENDING
 9 SECTIONS 2-8-103, 37-69-101, 37-69-305, AND 37-69-307, MCA;
 10 AND PROVIDING AN EFFECTIVE DATE FOR CERTAIN SECTIONS."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 NEW SECTION. Section 1. Board reestablished. The
 14 board of plumbers created by 2-15-1655 is reestablished for
 15 a period of 6 years pursuant to 2-8-122.
 16 Section 2. Section 2-8-103, MCA, is amended to read:
 17 "2-8-103. Agencies to terminate. (1) The following
 18 agencies shall terminate on July 1, 1979:
 19 (a) board of abstracters, department of professional
 20 and occupational licensing, created by 2-15-1643;
 21 (b) board of public accountants, department of
 22 professional and occupational licensing, created by
 23 2-15-1641;
 24 (c) board of architects, department of professional
 25 and occupational licensing, created by 2-15-1651;

1 (d) state banking board, department of business
 2 regulation, created by 2-15-1803;
 3 (e) state electrical board, department of professional
 4 and occupational licensing, created by 2-15-1654;
 5 (f) board of professional engineers and land
 6 surveyors, department of professional and occupational
 7 licensing, created by 2-15-1653;
 8 (g) office of commissioner of insurance and the
 9 insurance department, state auditor's office, created by
 10 2-15-1902 and 2-15-1903;
 11 (h) office of the investment commissioner, state
 12 auditor's office, created by 2-15-1901;
 13 (i) board of landscape architects, department of
 14 professional and occupational licensing, created by
 15 2-15-1652;
 16 (j) board of county printing, department of community
 17 affairs, created by 2-15-1102;
 18 ~~{k}--board--of--plumbers--department--of--professional--and~~
 19 ~~occupational--licensing--created--by--2-15-1655+~~
 20 ~~{k}~~ (k) board of real estate, department of
 21 professional and occupational licensing, created by
 22 2-15-1642;
 23 ~~{m}~~ (l) state board of warm air heating, ventilation,
 24 and air conditioning, department of professional and
 25 occupational licensing, created by 2-15-1656;

1 ~~final~~ board of institutions, department of
2 institutions, created by 2-15-2303.

3 (2) The following agencies shall terminate on July 1,
4 1981:

5 (a) commission for human rights, department of labor
6 and industry, created by 2-15-1706;

7 (b) board of athletics, department of professional and
8 occupational licensing, created by 2-15-1661;

9 (c) board of barbers, department of professional and
10 occupational licensing, created by 2-15-1625;

11 (d) board of chiropractors, department of professional
12 and occupational licensing, created by 2-15-1613;

13 (e) board of cosmetologists, department of
14 professional and occupational licensing, created by
15 2-15-1626;

16 (f) board of dentists, department of professional and
17 occupational licensing, created by 2-15-1606;

18 (g) board of hearing aid dispensers, department of
19 professional and occupational licensing, created by
20 2-15-1616;

21 (h) board of massage therapists, department of
22 professional and occupational licensing, created by
23 2-15-1627;

24 (i) Montana state board of medical examiners,
25 department of professional and occupational licensing,

1 created by 2-15-1605;

2 (j) board of morticians, department of professional
3 and occupational licensing, created by 2-15-1619;

4 (k) board of nursing, department of professional and
5 occupational licensing, created by 2-15-1610;

6 (l) board of nursing home administrators, department
7 of professional and occupational licensing, created by
8 2-15-1611;

9 (m) board of optometrists, department of professional
10 and occupational licensing, created by 2-15-1612;

11 (n) board of osteopathic physicians, department of
12 professional and occupational licensing, created by
13 2-15-1607;

14 (o) board of pharmacists, department of professional
15 and occupational licensing, created by 2-15-1609;

16 (p) board of podiatry examiners, department of
17 professional and occupational licensing, created by
18 2-15-1608;

19 (q) board of psychologists, department of professional
20 and occupational licensing, created by 2-15-1617;

21 (r) board of radiologic technologists, department of
22 professional and occupational licensing, created by
23 2-15-1614;

24 (s) board of speech pathologists and audiologists,
25 department of professional and occupational licensing,

1 created by 2-15-1615;

2 (t) board of veterinarians, department of professional
3 and occupational licensing, created by 2-15-1618;

4 (u) board of veterans' affairs, department of social
5 and rehabilitation services, created by 2-15-2202.

6 (3) The following units of state government shall
7 terminate on July 1, 1983:

8 (a) board of aeronautics, department of community
9 affairs, created by 2-15-1103;

10 (b) state board of hail insurance, department of
11 agriculture, created by 2-15-3003;

12 (c) board of horseracing, department of professional
13 and occupational licensing, created by 2-15-1662;

14 (d) board of livestock, department of livestock,
15 created by 2-15-3102;

16 (e) board of milk control, department of business
17 regulation, created by 2-15-1802;

18 (f) board of oil and gas conservation, department of
19 natural resources and conservation, created by 2-15-3303;

20 (g) Montana outfitters council, department of fish and
21 game, created by 2-15-3403;

22 (h) public service commission, department of public
23 service regulation, created by 69-1-102;

24 (i) board of sanitarians, department of professional
25 and occupational licensing, created by 2-15-1631;

1 (j) board of water and wastewater operators,
2 department of health and environmental sciences, created by
3 2-15-2105;

4 (k) board of water well contractors, department of
5 professional and occupational licensing, created by
6 2-15-1632.

7 (4) The following agency terminates on July 1, 1985:
8 the board of plumbers created by 2-15-1655.

9 Section 3. Section 37-69-101, MCA, is amended to read:

10 "37-69-101. Definitions. Unless the context requires
11 otherwise, in this chapter the following definitions apply:

12 (1) "Board" means the board of plumbers provided for
13 in 2-15-1655.

14 (2) "Department" means the department of professional
15 and occupational licensing provided for in Title 2, chapter
16 15, part 16.

17 (3) "Drainage system" means all the piping inside the
18 walls of a building that conveys sewage or other liquid
19 wastes outside the building to the building sewer but that
20 does not extend more than 2 feet outside the building way.

21 ~~(3)(4)~~ "Field of plumbing" means the business, trade,
22 or work having to do with the installation, removal,
23 alteration, or repair of plumbing and drainage systems or
24 parts thereof.

25 ~~(4)(5)~~ "Journeyman plumber" means a person who is

authorized to make installation of all sanitary plumbing and potable water supply piping and appliances connected thereto.

~~{5}(6)~~ "Master plumber" means a person who is authorized by this chapter to plan, estimate, bid, contract for, and supervise plumbing work and who may do the work of a journeyman plumber.

~~{7}~~ "Plumbing system" means all potable water supply and distribution pipes, plumbing fixtures and traps, drainage and vent pipes, and building drains including their respective joints and connections, devices, receptacles, and appurtenances within the property lines of any premises and includes potable water piping, water heaters, and vents for the premises.

~~{6}(8)~~ "Public sewer system" means any common sewer carrying liquid wastes from two or more dwellings or any other facility that serves the public.

~~{7}(9)~~ "Public water supply" means any community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that serves 10 or more families or 25 or more persons on a regular and continuous basis."

Section 4. Section 37-69-305, MCA, is amended to read:

"37-69-305. Qualifications of applicants for master plumber's license -- restriction on authority. (1) The

following requirements shall be met by an applicant for a master plumbers' license:

(a) evidence of 4 years' experience as a journeyman plumber in the field of plumbing of a character satisfactory to the board;

(b) evidence of 3 years' experience in supervisory capacities in the field of plumbing, which may run concurrently with the requirement in subsection (1)(a);

(c) satisfactory completion of an examination for master plumbers testing his knowledge of the field of plumbing and demonstrating his skill and ability in the field of plumbing.

~~{2}--A--master-plumber-is-not-authorized-to-perform-the work-of-a-journeyman-plumber-unless-he-is-also-licensed-as-a journeyman-plumber.~~

~~{3}(2)~~ A master plumber shall not allow his license to be used by any person or firm, corporation, or business other than his own for the purpose of obtaining permits or for doing plumbing work under his license."

Section 5. Section 37-69-307, MCA, is amended to read:

"37-69-307. Examination fee and annual renewal fee.

(1) No applicant for a master plumber's license may submit to the examinations prescribed by the board until he has deposited with the department ~~{100-03}~~ an examination fee prescribed by the board, and no applicant for a journeyman

1 plumber's license may submit to the examination prescribed
2 by the board until he has deposited with the department \$50
3 as an examination fee as prescribed by the board.

4 (2) A license when issued expires 1 year from the date
5 of issuance. A license issued to a master plumber or a
6 journeyman plumber may be renewed annually without
7 examination, at any time prior to its expiration, by a
8 written request for its renewal directed to the department
9 and the payment of ~~not-to-exceed-\$100 a fee~~ as set by the
10 board for a renewal of a master plumber's license ~~and-not-to~~
11 ~~exceed-\$25 or a fee~~ as set by the board for renewal of a
12 journeyman plumber's license. Renewal is for the period of 1
13 year.

14 (3) Fees prescribed by the board pursuant to this
15 section must be reasonably related to the costs incurred by
16 the board in carrying out its respective functions."

17 Section 6. Effective date. Sections 1 and 2 are
18 effective on passage and approval.

-End-

SB 458

Senator Lockrem also stated that SB 390 requires that an individual work experience be in the electrical construction industry before his application can be approved. Sen. Lockrem explained SB 390 by section to the committee.

Sen. Lockrem then discussed SB 391 which relates to public accountants in Montana. This bill recommends the termination of the current board and reestablishing the regulation under the Board of Service Regulation. This new board would consolidate regulation of various professions and would be administratively attached to the Department of Business Regulation. It also would make regulation more responsive to the public.

Senator Greg Jergeson, Senate District 3, chief sponsor of SB 385, SB 387 and SB 443, explained that these bills were pretty well covered by the previous speakers. SB 385 deals with the plumbing profession. This bill is to do away with the plumbing board and place it under the Department of Public Safety. Sen. Jergeson stated that there were several new sections contained in his bill that were not in the other bills that deal with the plumbing industry. He went on to explain all of the bills and tied them together with what they would accomplish. He stated that SB 387 would abolish the Warm Air Heating, Ventilation and Air Conditioning Board and place the administration of that industry under the Board of Public Safety. He explained certain sections of the bill, stating the Committee may want to add in certain materials or delete it. He felt that if SB 247 was killed, the bills pertaining to the individual industries and professions could be amended to contain the materials in SB 247.

Senator Jack Healy, District 44, sponsor of SB 458, introduced Mitch Mahovolich of the Plumbers Union to explain the bill. At this time, the Chairman asked if Senator Himsel could speak as he had another engagement and had to leave the meeting. He read, for the record, a letter from the Director of Professional Development of the National Council of Architectural Registration which stated, "If the Montana board of architects is terminated and a new state agency or board took over the examination, registration and licensing of architects and if this new agency or board met the definition of the state board and was a member board as noted above, NCARB registration would be provided for Montana." He felt the Committee should have that information. Sen. Himsel commented regarding the engineers that there seems to be some question that there should be an engineer on the licensing or supervisory board.

Regarding SB 458, the Chairman gave the floor back to Senator Healy and Mitch Mahovolich again. Mr. Mahovolich stated that there were several people present who would be presenting written testimony supporting SB 458. He stated that he and the members he represented were in favor of SB 458 and also SB 460, as amended, to include the board of plumbers. He stated that there would be more testimony to follow later on in the day to support these bills.

At this time, Chairman Story offered Senator Healy and Mr. Mahovolich the opportunity to address the distinctions between their bill and the Audit Committee bill. He advised them further that they did

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not have to do this but could, if they so desired.

Mr. Maholovich said since there were some changes in SB 458, he would address them. He then proceeded to outline their differences for the Committee. He said that SB 458 puts it back to a 7-member board which they support.

Chairman Story then called upon Senator Sandy Mehrens of Anaconda, District 45. He turned the testimony over to John Buckley of the State Electrical Board. Mr. Buckley said that he was speaking for SB 457 which would reestablish the State Electrical Board which was terminated by SB 162 and the sunset law. He said this would return the State Electrical Board to the Department of Professional and Occupational Licensing and further that the inspections should be returned to the department.

The next senator called upon was Senator Tom Hager of District 30, sponsor of SB 422. Senator Hager said that this bill would reestablish the Board of Professional Engineers and Land Surveyors. The first section is to reestablish the board and the second section strikes the reference to the board of professional engineers and land surveyors from the sunset provision of 7-1-79 and reinserts it in the July 1, 1985 one. The third section increases the number on the board from 7 to 9. The two new members are both public members. It also states that a member may not be reappointed after serving three consecutive terms on the board; term of office declines from 5 to 4 years. He then explained the remainder of the bill to the Committee, noting on the bottom of page 14 and the top of page 15, there is an error and in both cases the number should be "5".

Senator Bob Peterson was scheduled to be the next sponsor to testify; however, since he was ill, Chairman Story allowed Harry Garberg, representing the Sheet Metal Workers, to explain SB 486 on behalf of Senator Peterson. (See Exhibit attached.) At this time the Chairman asked for a show of hands of how many people were present in support of SB 486, which deals with reconstituting the Board of Warm Air Heating, Ventilating and Air Conditioning. There were four present.

Chairman Story then called for the sponsor of SB 489 to explain the bill. Senator Tom Rasmussen of District 16, Helena, was present and said that the bill would reestablish the board of public accountants. He asked that Mr. Larry Huss discuss the bill for the Committee. Mr. Huss represents the Montana Society of CPA's. He said that there were amendments proposed on this bill and explained the differences between this bill and that of the Legislative Audit Committee.

Chairman Story thanked Mr. Huss and placed SB 498 before the Committee. Senator George Roskie of District 21, Great Falls, chief sponsor of the bill, explained it to the Committee. Sen. Roskie said that SB 498 dealt with the Board of Architecture and basically, reconstitutes the board in essentially the same form, conditions and requirements, with two exceptions - one public member has been added and it has a new section dealing with continuing education.

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He asked to have Sonny Hanson or Mr. Crenna speak on the bill. Sonny Hanson then spoke on SB 498. He represents the Professional and Registered Architects. Basically, SB 498 includes the majority of items recommended by the Committee, excluding the "Super Board" concept.

The board is given more flexibility in the application of the National Council of Rules and Procedures to reflect the situations germane to Montana or situations as the public sees them. This bill excludes specifically training because it might jeopardize the reciprocity with other states. It reestablishes the board in the Department of Professional Licensing and Occupations.

Chairman Story then called on members of the audience, asking them to be brief, and if anyone hadn't signed a slip, he requested them to show their hands and to identify themselves.

The first to identify himself and speak to the Committee was Tony Gerharz, a practicing CPA from Billings, Montana, appearing on behalf of the Montana Society of CPA's in support of SB 489 with amendments. Other members of his family are members also of this society and are very proud of it. This is the bill to reestablish the board of public accountants. The society has cooperated with the Legislative Audit Committee in their review of this board. The society has grown very much in Montana. He urged passage of this particular bill for the good of the public and said he would be available for questioning.

The next person to speak was Joe Martin, president of the Montana Association of Journeyman Plumbers who spoke in behalf of SB 458. This bill would reestablish the board of plumbers under the Department of Professional and Occupational Licensing. This bill should be amended to put the inspection of plumbing under the board of plumbers instead of under the Department of Administration or vice versa. At the present time they are separated. The journey-men plumbers have no objection to being under SB 460 which establishes an appeals board. We oppose the concept of a "super board", SB 247, as there is no representative of the industry on the board. The board structure does not represent the public under the super board and the board structure at the present time does represent the public. The members of the board are from the plumbing industry plus the public, the engineers and the department of health. The Board, at the present time, supplies the expertise by having members of the industry on the board, where under the super board concept, they would not have the expertise for examinations. They would have to hire outside people to give these examinations. The Legislative Audit Committee has recommended that the Board of Plumbers be in existence. I won't take up any more of your time and thank you for your time and hope that you pass Senate Bill 458 with amendments.

The Chairman then advised the audience the Committee was aware of the importance of these bills, apologized for the time constraints and asked for out-of-town persons who are not accountants or plumbers who wanted to testify.

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Don Beaver from Missoula, opposing Senate Bills 486 and 387 stated they are one and the same thing. As it has already been pointed out, the Board of Warm Air Heating, Ventilating, and Air Conditioning and what have you, has already been through the legislative process. The board had some problems on a constitutional basis, so much so, that the people in our industry, the individual heater contractors, got together quite a significant force to come over to meet with that board and the governor - not only ourselves, but the Montana Power Company, Montana-Dakota Utilities, natural gas people, and the Boise Cascade. There was quite a few people involved in that process. We were instrumental in getting the courts to place an injunction on that piece of legislation and that's kind of where it is held up in this place and time, so all they are trying to do now is to get the thing back into the ball game, and quite frankly, I just wonder where it is going to stop. If we take the little guys out there putting in tin pipes for homeowners and have some direction in that process, are we going to stop there, or are we going to run down to the grocery stores and start setting up regulations for the carry-out boy or, maybe, we are going to start on the baby sitters. But, you don't want to go on with the ramifications of this thing. It's something we should be looking at from the standpoint of overall, excessive regular activity. One other thing that I would like to point out here is that this thing is set up with the exemption of the homeowner himself. If we were to go back over all the accidents of the last ten years, what caused fires, what caused this in our industry in this state, you would find that in a great many cases, perhaps, that the homeowner himself was the person responsible for the problem; so, I don't see how you can regulate an entire industry when you can't control the individual who is causing the problem that this thing is propagated toward.

Bill Egan from Great Falls, representing the IBEW, stated they are proponents of 457. This bill contains laws that pertain to the Sunset report and recommendations. Also, there is talk about the funding of this through the industry. It does come from the public as consumers. The fact that it is a very competitive business, I am sure that the contractors are aware of the costs, and they were in favor of raising the permits, and the members are also in favor of raising the licensing fees. So, the members and the people doing the work in competitive bidding are in favor of this and they are very much aware of the cost to the public as I negotiate with them every year, but it is so minimal, they feel it is of more benefit to have the regulation and to have a good state product than to let it go helter-skelter. Also, this bill brings together the licensing and inspection. It was brought up at the last legislative session, and it has not worked very well. This would bring those back together. They would have some kind of communication and it would be a lot better than it has been since the last legislative sessions. We are not opposed to going with 460 - we are a proponent for that. I would like to ask the sponsor of that bill that they set the board of licensing and the board of appeals for warm air; for the plumbers, they set the appeals board only and for the electrical board, they set nothing.

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licensed public accountants shows that the average LP firm earns its income in the following manner: 31% from tax services, 44% from write-up work, 16% from accounting and 5% from auditing. Thus, you can see that the LPA is mainly handling the write-up work for his client. He then provides the financial statement that a businessman needs for his third party use. In providing these services, he usually does not audit the records completely, and thus, he cannot express an opinion, and provides a disclaimer statement. This disclaimer statement, as I have mentioned, is an attest function, and you can see why the LPA must maintain the attest function for himself. We feel, too, that the public has not been harmed because the LPA has not passed the auditing section of the test, and we feel that the test should follow the same procedure problems and that he have the option of passing either the auditing or a series, or if he has a treasury care which he receives from the Internal Revenue, this would take the place of auditing or theory. The public interest is, I feel, more protected by a Treasury card than it is by the auditing as far as what the LPA is performing. Restricting the licensing of public accountants to CPA's would only tend to promote the availability of practitioners to perform auditing work which, in turn, would increase costs to the consumer. You do not increase competition by restricting the licensing services of accountants; that would create a monopoly without rational reason, evidential basis or need. Until factual evidence is offered which would provide proof that public accountants are less competent than CPA's and the public has been harmed by the existing program, no changes should be made in the accountant's law. Thank you.

Art Clarkson, State Board of Health Representative on the Board of Plumbers, stated he served as Secretary to the Board of Plumbers. They are in favor of SB 458 to retain the Board in its present complexion because it has a pretty well-rounded representation with the mechanical engineer working with the design part of the Board and the Department of Health being represented to protect public health. They do have a lay member on the Board, plus representatives of both Master and Journeymen Plumbers. The Board is in opposition to SB 385 primarily because putting it in a department or a bureau of safety connotes an accident-type hazard rather than a true public health hazard. Faulty wiring may give one person a shock or kill one person, whereas faulty plumbing, as in the case recently in Big Sky, where 40% of 1500 people visiting Big Sky became ill because of an unsatisfactory piping arrangement which was put in during the construction of Big Sky, and part of this time during which Big Sky was constructed was not under the jurisdiction of any plumbing inspection. Later on, it did come under the law; so, where there is no inspection, no proper control of plumbers, accidents or public health hazards can exist which will upset a lot more people than a safety-type operation. Therefore, we would like to retain the Board in its present complexion under Professional and Occupational Licensing rather than under a board of safety, or a bureau of safety or something like that.

Statement in Favor of SB458

I am Arthur W. Clarkson, the Department of Health and Environmental Sciences' representative to the Board of Plumbers and serve as secretary to the board.

I speak in favor of SB458, re-establishing the Board of Plumbers in its present role under the Department of Professional and Occupational Licensing.

As a sanitary engineer in the field of public health for almost 40 years, I have seen, investigated, and read about many water borne disease outbreaks caused by faulty plumbing. Most of these were the result of someone connecting a source of contamination to a potable water supply.

It is important that persons knowledgeable to the hazards of improper plumbing serve on the board to test the qualifications of individuals aspiring to enter the field of plumbing. The present makeup of the board consisting of both journeyman and master plumbers, a mechanical engineer, a representative of the Department of Health on environmental sanitation and a representative of the public is well balanced. All sectors of the regimen of plumbing are represented, the designor, the public health protector, the public, and the profession being regulated.

The licensing of plumbers through both written and practical testing assures that persons passing the examination not only know what the code requirements are, but also that they can perform with the tools of the trade to do an acceptable job of plumbing.

I, therefore, request on behalf of the health of the people of Montana that the committee give favorable consideration to SB458.

STATE OF MONTANA
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING
BOARD OF PLUMBERS



ED CARNEY, DIRECTOR

LALONDE BUILDING
HELENA, MONTANA 59601
(406) 449-3737

February 16, 1979

Señator Pete Story, Chairman
State Administration Committee
Capitol Post Office
Helena, MT 59601

Dear Senator Story and Members of the Committee:

The State Board of Plumbers would like to go on record as opposing SB 385 and supporting SB 458. SB 385 places the Board of Plumbers under the Department of Administration under a super Board (SB 247). SB 458 re-establishes the Board, which was sunseted, under the Department of Professional and Occupational Licensing, as it is present.

The Board can see no reason to transfer the Board to another department or under another type of Board when it is currently operating efficiently and at the least cost. The current structure of the Department of Professional and Occupational Licensing allows for support of the department through earmarked revenue (license fees and examination fees) funds, at no direct cost to the taxpayers of Montana.

For the above stated reasons the board is opposed to SB 385 and in favor of SB 458.

Sincerely,

A handwritten signature in cursive script that reads "Don Kristensen".

Don Kristensen, Chairman
Board of Plumbers

cc/ file

2-17-79

RECONSIDERATION OF SENATE BILL NO. 388: Sen. Ryan moved that this bill DO NOT PASS; motion carried by majority vote, with Sen. Jergeson voting "no".

RECONSIDERATION OF SENATE BILL NO. 385: Sen. Jergeson moved that Senate Bill No. 385 DO PASS.

Discussion pertained to Sen. Brown's suggestion of putting more public members on the plumbers and electricians' boards.

Sen. Brown made a substitute motion that SB 385 DO NOT PASS. Upon roll call vote, this motion carried by majority, with Sen. Jergeson voting "no".

RECONSIDERATION OF SENATE BILL NO. 458: Discussion pertained to putting more members of the public on the board or passing SB 460.

Sen. Jergeson read the section of the statutes in the MCA dealing with the board of plumbers and its membership.

Sen. Brown moved that his board be increased to allow three more public members, which would increase it to a nine-member board.

Discussion pertained to the adequate protection of the public if the board were eliminated with Sen. Jergeson stating that the Building Code inspectors would probably have jurisdiction.

Sen. Ryan questioned page 6, line 7, increasing the number of people on the boards which would force these boards to raise more money in order to pay for them.

Upon roll call vote, the motion carried by majority, with Senators Story, Roskie and Ryan voting "no".

Sen. Ryan then moved that SB 458 DO PASS AS AMENDED. Sen. Jergeson made a substitute motion to attach the board to the Department of Administration.

During discussion on the inspection function, Sen. Steve Brown advised that the request for more building code inspectors was for six, not 63, and further discussion pertained with the inspection function.

Upon roll call vote, the substitute motion failed, with only Sen. Rasmussen and Jergeson voting "yes".

Reverting back to the motion of Sen. Hafferman on SB 458 for a Do Pass As Amended, motion carried by majority vote, with Sen. Jergeson voting "no".

DISPOSITION OF SENATE BILL NO. 457: Sen. Roskie questioned portions of the bill, particularly Sec. 18, page 19.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 21, 1979

The twenty-ninth meeting of the State Administration Committee was called to order by Chairman Pete Story on the above date in Room 442 of the State Capitol Building at 9:00 A. M.

ROLL CALL: All members of the Committee were present, with the exception of Senator Tom Rasmussen, who was absent.

Chairman Story advised the meeting was for the purpose of approving a statement of intent for each of the "board bills" passed out previously.

CONSIDERATION OF STATEMENT OF INTENT FOR SENATE BILL No. 458: In discussing the Statement, the Chairman explained these were all prepared by the Legislative Council by Bob Pyfer's office, with the help of the various trade and occupation representatives; that he had asked Pyfer to draw them up in compliance with the new rules.

Senator Jergeson stated he felt this Statement was proper and moved it be adopted. Motion passed by unanimous vote of the Committee members present and duplicate copy is attached to these Minutes.

CONSIDERATION OF STATEMENT OF INTENT FOR SENATE BILL No. 390: The chairman explained this was the Audit Committee's Bill which had been amended to reestablish the electrical board as it was originally set up.

Question on Intent Statement having been prepared in compliance with the amendments was answered by Kathleen Harrington, Researcher, that it did conform to the amendments.

After receiving permission from the Chair, Senator Roskie read the Statement so that the lobbyists for the electricians could comment on it. Mr. Hale agreed it followed their concerns close enough that they could accept it, although definition of apprentices was left out. Mr. Egan agreed it was acceptable.

Senator Roskie moved that the Statement of Intent for Senate Bill No. 390 be adopted; motion carried without opposition, and a full copy is attached to these Minutes.

CONSIDERATION OF STATEMENT OF INTENT FOR SENATE BILL No. 422: Senator Brown questioned the purpose of a statement of intent. Chairman Story explained it gave guidance as to the intent of the committee pertaining to a certain issue and made more clear the law itself and to establish borders around the law.

Senator Hafferman moved that Statement of Intent for Senate Bill No. 422 be adopted; motion passed without opposition, and a full copy is attached to these Minutes.

March 7, 1979
Business & Industry
46th Legislative Session

The Business & Industry Committee held a meeting at 8:00 a.m. in room 437, Wednesday March 7, 1979. All members were present. Some members were excused during the meeting to attend other hearings.

Chairman Joe Quilici called the meeting to order and opened the hearing on SJR 19.

Senator Anderson, sponsor, was not present. Rep. Hirsch introduced the bill to the committee. This resolution would encourage the congress to reject any legislation that would amend the McCarran-Ferguson Act.

Mr. Boyce Clarke, Independent Insurance Agents of Montana, testified in support of the resolution. Copy of his testimony is attached.

Jo Driscoll, chief deputy insurance commissioner, testified in favor of the bill. She said she would not like to see the federal government take over any part of the state government system.

There were no opponents to SJR 19.

Rep. Hirsch closed on SJR 19 following questions from the committee.

SB 458

Senator Healy, sponsor, introduced the bill to the committee. The bill would reestablish the board of plumbers. He explained the changes in the bill.

Mr. Mitch Mehailovich, representing the state board of plumbers, stated that there is a real need for the board in order to protect the public.

Mr. Joe Martin, Mt. State Assoc. Journeyman Plumbers, testified in support of the bill. He stated that this bill is the only plumbing bill presented from the Senate to the House and if this bill does not pass there will be no plumbing law in the state of Montana. He said that the public would suffer if the bill does not pass.

A.W. Clarkson, Board of Plumbers, testified in support of the bill. Copy of his written testimony is attached.

SB 458 cont.

Michael Mizenko, State Board of Plumbers, testified in support of the bill. He stated that the bill would guarantee safety to the public in Montana.

Don Kristensen, Dept. of Professional & Occupational Licensing, submitted written testimony in support of the bill.

There were no opponents to SB 458.

Questions from the committee followed. Scott Seacat was available from the legislative auditors office to answer questions for the committee.

Senator Healy closed on SB 458.

SB 390

Senator Lockrem, sponsor, was not present. Mr. Ray Wayrynen introduced the bill to the committee. The bill would "provide for the regulation of the electrical profession by reestablishing the state electrical board" and "creating a class of residential electricians". Mr. Wayrynen explained the changes in the bill.

Mr. John Bulkley, State Electrical Board, appeared in support of SB 390. Copy of his testimony is attached.

There were no opponents to SB 390.

Questions from the committee followed. Scott Seacat answered questions for the committee.

Mr. Wayrynen closed on SB 390.

SB 496

Senator Turnage, sponsor, introduced the bill to the committee. The bill would "allow any individual, partnership, corporation, or association to use an assumed business name and to provide regulations for the registration of an assumed business name". He explained the changes in the bill.

Mr. Brown, Secretary of States office, arose in support of SB 496.

Following questions from the committee, Senator Turnage closed on SB 496.

There were no opponents to SB 496.

EXECUTIVE ACTION CONT.

SB 489

Rep. Cooney moved that the amendments presented by the Society of C.P.A.'s be adopted. (see amendment 1,2,3&4 on attached sheet) Discussion on the motion followed. A vote carried unanimously.

Rep. Metcalf moved to amend out of the bill on page 8, lines 13 - 15 the confirmation requirement by the Senate. Discussion on the motion followed. A hand show vote was taken and failed.

Rep. Robbins made a motion that SB 489 AS AMENDED BE CONCURRED IN. Discussion followed. A vote carried unanimously.

Rep. Cooney moved that the committee adopt the statement of intent. Vote was unanimous.

Rep. Gilligan will carry the bill in the House.

SB 496

Rep. Elliosn moved that SB 496 BE CONCURRED IN. Following discussion a vote was taken and carried unanimously. Rep. Ellison will carry the bill in the House.

SB 455

Rep. Cooney moved that SB 455 BE CONCURRED IN. The motion was discussed. A vote carried unanimously. Rep. Ramirez will carry the bill in the House.

SB 458

Rep. Stobie made a motion to take out the section of a mandatory review on page 6, lines 8 and 9. Discussion on the motion followed. It was brought out that if Rep. Scully's bill does not pass the review would be mandatory with or without section (4) in the bill. A vote was taken on the motion and carried 10 - 5.

Rep. Stobie moved that SB 458 AS AMENDED BE CONCURRED IN. Following discussion a vote was taken and carried unanimously.

Rep. Ellerd moved the statement of intent be adopted by the committee. A vote carried unanimously.

Rep. Quilici will carry the bill in the House.

SB 390

Rep. Stobie moved that section (4) page 7, lines 17 and 18, mandatory review, be stricken from the bill. Following discussion a vote was taken and carried 10 - 5. Rep. Metcalf Nathe, Eller, Vincent and Quilici voted no.

1 STATEMENT OF INTENT RE: SB 458
2
3

4 A statement of intent is required for SB 458 in that it
5 delegates rulemaking authority to the board of plumbers in
6 Section 6.

7 Section 6 allows the board to prescribe examination and
8 renewal fees. This must be done by rule. It is intended that
9 an examination fee will not exceed the cost of administering
10 the examination for which it is paid, and that a renewal fee
11 will not exceed other administrative costs.

12 First adopted by the SENATE STATE ADMINISTRATION
13 COMMITTEE on February 21, 1979.

SB 458

SENATE BILL NO. 458

INTRODUCED BY HEALY, MEHRENS, PETERSON, STIMATZ, THOMAS

BY REQUEST OF THE BOARD OF PLUMBERS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF PLUMBERS; REVISING BOARD MEMBERSHIP; TO DEFINE 'DRAINAGE SYSTEM' AND 'PLUMBING SYSTEM'; TO ALLOW A MASTER PLUMBER TO WORK AS A JOURNEYMAN; TO ALLOW THE BOARD TO PRESCRIBE REASONABLE FEES; AMENDING SECTIONS 2-8-103, 2-15-1655, 37-69-101, 37-69-305, AND 37-69-307, MCA; AND PROVIDING AN EFFECTIVE DATE FOR CERTAIN SECTIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Board reestablished. The board of plumbers created by 2-15-1655 is reestablished for a period of 6 years pursuant to 2-8-122.

Section 2. Section 2-8-103, MCA, is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;

(b) board of public accountants, department of professional and occupational licensing, created by 2-15-1641;

(c) board of architects, department of professional

and occupational licensing, created by 2-15-1651;

(d) state banking board, department of business regulation, created by 2-15-1803;

(e) state electrical board, department of professional and occupational licensing, created by 2-15-1654;

(f) board of professional engineers and land surveyors, department of professional and occupational licensing, created by 2-15-1653;

(g) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;

(h) office of the investment commissioner, state auditor's office, created by 2-15-1901;

(i) board of landscape architects, department of professional and occupational licensing, created by 2-15-1652;

(j) board of county printing, department of community affairs, created by 2-15-1102;

~~(k) board of plumbers, department of professional and occupational licensing, created by 2-15-1655;~~

~~++(k)~~ board of real estate, department of professional and occupational licensing, created by 2-15-1642;

~~++(l)~~ state board of warm air heating, ventilation, and air conditioning, department of professional and

REFERENCE BILL: INCLUDES JOINT
CONFERENCE COMMITTEE REPORT.
DATED 3/23/79

-2-

SB 458

1 occupational licensing, created by 2-15-1656;
 2 ~~(n) the~~ board of institutions, department of
 3 institutions, created by 2-15-2303.
 4 (2) The following agencies shall terminate on July 1,
 5 1981:
 6 (a) commission for human rights, department of labor
 7 and industry, created by 2-15-1706;
 8 (b) board of athletics, department of professional and
 9 occupational licensing, created by 2-15-1661;
 10 (c) board of barbers, department of professional and
 11 occupational licensing, created by 2-15-1625;
 12 (d) board of chiropractors, department of professional
 13 and occupational licensing, created by 2-15-1613;
 14 (e) board of cosmetologists, department of
 15 professional and occupational licensing, created by
 16 2-15-1626;
 17 (f) board of dentists, department of professional and
 18 occupational licensing, created by 2-15-1606;
 19 (g) board of hearing aid dispensers, department of
 20 professional and occupational licensing, created by
 21 2-15-1616;
 22 (h) board of massage therapists, department of
 23 professional and occupational licensing, created by
 24 2-15-1627;
 25 (i) Montana state board of medical examiners,

1 department of professional and occupational licensing,
 2 created by 2-15-1605;
 3 (j) board of morticians, department of professional
 4 and occupational licensing, created by 2-15-1619;
 5 (k) board of nursing, department of professional and
 6 occupational licensing, created by 2-15-1610;
 7 (l) board of nursing home administrators, department
 8 of professional and occupational licensing, created by
 9 2-15-1611;
 10 (m) board of optometrists, department of professional
 11 and occupational licensing, created by 2-15-1612;
 12 (n) board of osteopathic physicians, department of
 13 professional and occupational licensing, created by
 14 2-15-1607;
 15 (o) board of pharmacists, department of professional
 16 and occupational licensing, created by 2-15-1609;
 17 (p) board of podiatry examiners, department of
 18 professional and occupational licensing, created by
 19 2-15-1608;
 20 (q) board of psychologists, department of professional
 21 and occupational licensing, created by 2-15-1617;
 22 (r) board of radiologic technologists, department of
 23 professional and occupational licensing, created by
 24 2-15-1614;
 25 (s) board of speech pathologists and audiologists,

department of professional and occupational licensing,
created by 2-15-1615;

(t) board of veterinarians, department of professional
and occupational licensing, created by 2-15-1618;

(u) board of veterans' affairs, department of social
and rehabilitation services, created by 2-15-2202.

(3) The following units of state government shall
terminate on July 1, 1983:

(a) board of aeronautics, department of community
affairs, created by 2-15-1103;

(b) state board of hail insurance, department of
agriculture, created by 2-15-3003;

(c) board of horseracing, department of professional
and occupational licensing, created by 2-15-1662;

(d) board of livestock, department of livestock,
created by 2-15-3102;

(e) board of milk control, department of business
regulation, created by 2-15-1802;

(f) board of oil and gas conservation, department of
natural resources and conservation, created by 2-15-3303;

(g) Montana outfitters council, department of fish and
game, created by 2-15-3403;

(h) public service commission, department of public
service regulation, created by 69-1-102;

(i) board of sanitarians, department of professional

and occupational licensing, created by 2-15-1631;

(j) board of water and wastewater operators,
department of health and environmental sciences, created by
2-15-2105;

(k) board of water well contractors, department of
professional and occupational licensing, created by
2-15-1632.

~~(4) The following agency terminates on July 1, 1985:
the board of plumbers created by 2-15-1655;~~

(4) THE FOLLOWING AGENCY TERMINATES ON JULY 1, 1985:
THE BOARD OF PLUMBERS CREATED BY 2-15-1655."

SECTION 3. SECTION 2-15-1655, MCA, IS AMENDED TO READ:
"2-15-1655. Board of plumbers. (1) There is a board of
plumbers.

(2) The board consists of seven nine members appointed
by the governor. The members are:

(a) two master plumbers and two journeyman plumbers
who are at least 18 years old, who have been residents of
this state for more than 1 year, and who have been duly
licensed master or journeyman plumbers at least 5 out of the
last 8 years immediately preceding their appointment;

(b) one registered professional engineer qualified in
mechanical engineering;

(c) ~~one~~ three representatives of the
public who ~~is~~ are not engaged in the business of installing

1 or selling plumbing equipment;

2 (d) one appointed representative of the department of
3 health and environmental sciences, who shall be a sanitary
4 engineer and who is secretary of the board.

5 (3) The appointed members of the board shall serve for
6 a term of 4 years.

7 (4) The board is allocated to the department for
8 administrative purposes only as prescribed in 2-15-121."

9 Section 4. Section 37-69-101, MCA, is amended to read:
10 "37-69-101. Definitions. Unless the context requires
11 otherwise, in this chapter the following definitions apply:

12 (1) "Board" means the board of plumbers provided for
13 in 2-15-1655.

14 (2) "Department" means the department of professional
15 and occupational licensing provided for in Title 2, chapter
16 15, part 16.

17 ~~(3) "Drainage system" means all the piping inside the~~
18 ~~walls of a building that conveys sewage or other liquid~~
19 ~~wastes outside the building to the building sewer but that~~
20 ~~does not extend more than 2 feet outside the building way.~~

21 ~~(3)(4) "Field of plumbing" means the business, trade,~~
22 ~~or work having to do with the installation, removal,~~
23 ~~alteration, or repair of plumbing and drainage systems or~~
24 ~~parts thereof.~~

25 ~~(4)(5) "Journeyman plumber" means a person who is~~

1 authorized to make installation of all sanitary plumbing and
2 potable water supply piping and appliances connected
3 thereto.

4 ~~(5)(6) "Master plumber" means a person who is~~
5 ~~authorized by this chapter to plan, estimate, bid, contract~~
6 ~~for, and supervise plumbing work and who may do the work of~~
7 ~~a journeyman plumber.~~

8 ~~(7) "Plumbing system" means all potable water supply~~
9 ~~and distribution pipes, plumbing fixtures and traps,~~
10 ~~drainage and vent pipes, and building drains, including~~
11 ~~their respective joints and connections, devices,~~
12 ~~receptacles, and appurtenances within the property lines of~~
13 ~~any premises and includes potable water piping, water~~
14 ~~heaters, and vents for the premises.~~

15 ~~(6)(8) "Public sewer system" means any common sewer~~
16 ~~carrying liquid wastes from two or more dwellings or any~~
17 ~~other facility that serves the public.~~

18 ~~(7)(9) "Public water supply" means any community well,~~
19 ~~water hauler for cisterns, water bottling plant, water~~
20 ~~dispenser, or other water supply that serves 10 or more~~
21 ~~families or 25 or more persons on a regular and continuous~~
22 ~~basis."~~

23 Section 5. Section 37-69-305, MCA, is amended to read:

24 "37-69-305. Qualifications of applicants for master
25 plumber's license -- restriction on authority. (1) The

1 following requirements shall be met by an applicant for a
2 master plumbers' license:

3 (a) evidence of 4 years' experience as a journeyman
4 plumber in the field of plumbing of a character satisfactory
5 to the board;

6 (b) evidence of 3 years' experience in supervisory
7 capacities in the field of plumbing, which may run
8 concurrently with the requirement in subsection (1)(a);

9 (c) satisfactory completion of an examination for
10 master plumbers testing his knowledge of the field of
11 plumbing and demonstrating his skill and ability in the
12 field of plumbing.

13 ~~(2) A master plumber is not authorized to perform the~~
14 ~~work of a journeyman plumber unless he is also licensed as a~~
15 ~~journeyman plumber.~~

16 ~~(3) (2)~~ A master plumber shall not allow his license to
17 be used by any person or firm, corporation, or business
18 other than his own for the purpose of obtaining permits or
19 for doing plumbing work under his license."

20 Section 6. Section 37-69-307, MCA, is amended to read:

21 "37-69-307. Examination fee and annual renewal fee.

22 (1) No applicant for a master plumber's license may submit
23 to the examinations prescribed by the board until he has
24 deposited with the department ~~\$100 as~~ an examination fee
25 prescribed by the board, and no applicant for a journeyman

1 plumber's license may submit to the examination prescribed
2 by the board until he has deposited with the department \$50
3 as an examination fee as prescribed by the board.

4 (2) A license when issued expires 1 year from the date
5 of issuance. A license issued to a master plumber or a
6 journeyman plumber may be renewed annually without
7 examination, at any time prior to its expiration, by a
8 written request for its renewal directed to the department
9 and the payment of ~~not to exceed \$100 a fee~~ as set by the
10 board for a renewal of a master plumber's license ~~and not to~~
11 ~~exceed \$25 or a fee~~ as set by the board for renewal of a
12 journeyman plumber's license. Renewal is for the period of 1
13 year.

14 (3) Fees prescribed by the board pursuant to this
15 section must be reasonably related to the costs incurred by
16 the board in carrying out its respective functions."

17 Section 7. Effective date. Sections 1 and 2 are
18 effective on passage and approval.

-End-

FISCAL NOTE

Form BD-15

compliance with a written request received February 13, 19 79, there is hereby submitted a Fiscal Note
SB 458 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 458 reestablished the Board of Plumbers within the Department of Professional and Occupational
Licensing; etc.

ASSUMPTION:

The functions of the Board will remain the same as under existing statutory authority and rules.

FISCAL IMPACT:

The proposed legislation continues the Board of Plumbers in its present configuration. Funding to continue
the Board is provided in the Executive Budget.

Funding is from an earmarked revenue fund account.

Richard L. Drayton

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/18/79